IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 8582 of 2006

Dated 18th January, 2007

Between

Dr.V.Lakshmi

…Petitioner

and

NTR University of Health Sciences, AP, at Vijayawada,
Rep. By its Vice Chancellor, and, anr.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :8582 of 2006.

ORDER:

The petitioner, an in-service doctor and qualified in MBBS, had been admitted to Post Graduation Course in Pathology. In this Writ Petition, she seeks a direction by way of Writ of Mandamus to declare the action of the respondents in awarding less marks to her in theory Paper II and Paper IV of Post Graduation in Pathology examinations held in the month of November, 2005.

It is stated that the petitioner appeared for examinations of Post Graduation in Pathology course conducted by the respondent-University in November, 2005 and she was declared as passed in

theory Paper-I and Paper-III, but however was declared as failed in theory Paper-II and Paper-IV examinations. It is stated in the affidavit filed in support of the Writ Petition that she did well in Paper-II and Paper-IV examinations than in the Paper-I and Paper-III examinations, but the valuation was not properly done in those papers. It is further stated that, in that view of the matter, the answer scripts of Papers II and Paper-IV may be directed to be sent to an expert for revaluation.

On the other hand, it is submitted by the learned Standing Counsel appearing for the respondent-University that as per the regulations framed by the University, there is a provision only for re-counting of the marks and there is no provision for revaluation. It is further submitted that at the request of the petitioner, recounting was also made and there is no change in the marks obtained by the petitioner in all the subjects.

So far as the revaluation aspect is concerned, it is fairly well settled that in absence of any provision for revaluation in the academic regulations, merely because student did not get marks as per his/her assessment is no ground either to order for revaluation or to call for the answer scrip by this court in exercise of powers under Article 226 of the Constitution of India. More over, except the petitioner's own assessment with regard to the correctness of the answers, there is no other basis for filing this Writ petition. Students' assessment with regard to correctness of answer is not relevant factor for award of marks. It is ultimately for the examiner to value the paper and award marks. In that view of the matter, I do not find any valid ground for grant of relief as prayed for.

The Writ Petition is, therefore, dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 18-01-2007.
Msnr.